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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,952	06/26/2001	Hiroto Narioka	450100-03293	4096
20999	7590	02/09/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, NGHI V	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,952

Applicant(s)

NARIOKA ET AL.

Examiner

Nghi V Tran

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☒ Claim(s) 7,9,10 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 7, 9-10, and 12 are objected to because of the following informalities:

"display to display the data of the position ..." is understood for --display unit to display the data of the position ...-- and "at ... intervals" is understood for --at ... time intervals-- (emphasis added). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Heimann et al., U.S. Patent Number 5,948,042 (hereinafter Heimann).
4. Taking claim 7 as an exemplary claim, Heimann teaches an image processing apparatus (30) comprising:

Art Unit: 2151

- position information acquiring unit (120) configured to acquired position information (column 8, lines 31-37);
- position information converting unit (i.e. navigation system in 30) configured to convert said position information acquired by said position information acquiring unit into data to be displayed on other information processing apparatus (column 5, lines 21-31);
- transmitting unit (112) configured to transmit to a server said converted data at first time intervals and to transmit a message asking the sever for data of the position of other specified information processing apparatus (S202);
- receiving unit (304) configured to receive said data of the position of other specified information processing apparatus from the server at second time intervals (S204 including position data; column 14, lines 48-52; and column 6, lines 14-33);
- display unit (104) to display the data of the position of other specified information processing apparatus (column 12, lines 14-21); and
- display updating unit (304) configured to supplement the data of position of other specified information processing apparatus displayed with new data at said second time intervals (column 7, lines 54-66; column 10, lines 10-26; and column 6, lines 34-48).

5. Claim 10 is also rejected for the same reason set forth in claim 7 above.

Art Unit: 2151

6. Taking claim 8 as an exemplary claim, Heimann teaches a server (20, 200, 40, or 400) comprising:

- receiving unit (402) configured to receive data including position information from a plurality of information processing apparatus at each time intervals and to receive a message from a user for data including position information of specified information processing apparatus (column 2, lines 13-26 and lines 44-62; and column 9, lines 19-39);
- storing unit (206) configured to store said received data to predetermined user-wise directories furnish previously in a storage area which is applicable to individual users (column 9, lines 40-44; and column 10, lines 43-62);
- transmitting unit (112) configured to transmit a data stored in a specified directory in response to a request from the user who sends said message at time intervals of updating the data by said specified information processing apparatus (column 10, line 64 - column 11, line 26).

7. Claim 11 is also rejected for the same reason set forth in claim 8 above.

8. Taking claim 9 as an exemplary claim, an image processing system, comprising:

- an image processing apparatus, including:
 - position information acquiring unit (120) configured to acquired position information (column 8, lines 31-37);

Art Unit: 2151

- position information converting unit (i.e. navigation system in 30) configured to convert said position information acquired by said position information acquiring unit into data to be displayed on other information processing apparatus (column 5, lines 21-31);
- transmitting unit (112) configured to transmit to a server said converted data at first time intervals and to transmit a message asking the sever for data of the position of other specified information processing apparatus (S202);
- first receiving unit (304) configured to receive said data of the position of other specified information processing apparatus from the server at second time intervals (S204 including position data; column 14, lines 48-52; and column 6, lines 14-33);
- display unit (104) to display the data of the position of other specified information processing apparatus (column 12, lines 14-21); and
- display updating unit (304) configured to supplement the data of position of other specified information processing apparatus displayed with new data at said second time intervals (column 7, lines 54-66; column 10, lines 10-26; and column 6, lines 34-48); and
- said server, including:
 - second receiving unit (402) configured to receive data including position information from a plurality of information processing apparatus at each time intervals and to receive a message from a user

Art Unit: 2151

for data including position information of specified information processing apparatus (column 2, lines 13-26 and lines 44-62; and column 9, lines 19-39);

- storing unit (206) configured to store said received data to predetermined user-wise directories furnish previously in a storage area which is applicable to individual users (column 9, lines 40-44; and column 10, lines 43-62);
- transmitting unit (112) configured to transmit a data stored in a specified directory in response to a request from the user who sends said message at time intervals of updating the data by said specified information processing apparatus (column 10, line 64 - column 11, line 26).

9. Claim 12 is also rejected for the same reason set forth in claim 9 above.

Response to Arguments

10. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2151

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. "Method and system for updating digital road maps," by Heimann et al., U.S. Patent Number 5,948,042.
- b. "Travel guide," by Alumbaugh, U.S. Patent Number 6,266,614.
- c. "Location message system using GPS," by Takiguchi et al., U.S. Patent Number 6,662,013.
- d. "Portable information system for receiving information via a communication network," by Kageyama, U.S. Patent Number 6,760,770.
- e. "Automated data collection for consumer driving-activity survey," by Dashefsky et al., U.S. Patent Number 6,098,048.

Art Unit: 2151

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER